

MINUTES

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR AIKEN COUNTY

USC-A BUSINESS AND EDUCATION CENTER GYMNASIUM, 471 UNIVERSITY PKWY, AIKEN, S.C.

REGULAR MEETING – NOVEMBER 15, 2005 – 7:37 P. M.

(A) CALL TO ORDER

Determining that a quorum was present, Chairman Young called the meeting to order.

Council Members present:

Chairman Ronnie Young
Kathy Rawls
Scott Singer
LaWana McKenzie
Chuck Smith
Eddie Butler
Charles Barton
Gary Bunker
Willar H. Hightower, Jr.

Also present:

J. Clay Killian, County Administrator
Robert M. Bell, County Attorney
Tamara Sullivan, Council Clerk

(B) INVOCATION

Councilman Hightower led in the invocation.

(C) PLEDGE OF ALLEGIANCE

Councilman Bunker led in the Pledge of Allegiance.

(D) APPROVAL OF MINUTES

1. October 18, 2005 Worksession
2. October 18, 2005 Regular Meeting
3. November 1, 2005 Special Meeting

- a. Councilman Smith made a motion to approve the minutes. Councilman Hightower seconded.
- b. The minutes were approved by unanimous vote.

(E) APPROVAL OF AGENDA

- a. Councilman Butler made a motion to amend and approve the agenda as follows:
 1. Move Consent Item 13 to Old Business Items 5.
 2. Delete Consent Item 2.
 3. Amend Consent Item 4 – change amount of gift certificate from \$25 to \$50.

4. Amend Consent Item 9 – to split the bid between the four bidders based on the lowest bid for each individual item.
 5. Amend Consent Item 18 – to reflect the Administrative Committee’s recommendation that the amount of capital expenditures be removed from the budget in total and that any capital expenditure less than \$5,000 individually and not exceeding \$100,000 in aggregate, go to the Administrator for approval. Any expenditures in excess of \$100,000 goes to Council for approval. The Committee also selected Option 2, a \$10 room rate increase.
 6. Add Consent Item 19a – Proposed Resolution To Reclassify One Position in the Registrations and Elections Commission Office.
 7. Delete Consent Items 22 through 30.
 8. Add Consent Item 31 – Proposed Ordinance To Prohibit Through Truck Traffic on Powderhouse Road (S-440) between Whiskey Road (S-19) and East Pine Log Road (S-302).
 9. Add Consent Item 19b – Proposed Voice Motion To appoint an Infrastructure Committee of Council consisting of Chairman Ronnie Young, Councilwoman LaWana McKenzie, Councilman Chuck Smith and Councilman Charles Barton. Councilwoman LaWana McKenzie will Chair the Committee.
- b. Councilman Smith seconded the motion. The amended agenda was approved by unanimous vote.

(F) AWARDS AND RECOGNITIONS

1. Proposed Resolution to Recognize the North Augusta High School Class of 1965 on its 40th Class Reunion.
(Smith, Butler)
 - a. Councilman Butler moved for the adoption. Councilwoman McKenzie seconded.
 - b. Passed by unanimous vote.
2. Presentation to Aiken County in Appreciation for Support of the 2005 USPA Gold Cup Polo Championship.
(Gold Cup Executive Committee)
 - a. Ms. Janet Morris presented Council with a framed autographed poster and a portfolio of the Gold Cup’s media coverage.

(G) PUBLIC HEARINGS

1. Proposed Ordinance to Develop a Joint County Industrial and Business Park in Conjunction with Edgefield County, Such Industrial and Business Park to be Geographically Located in Edgefield County and the Town of Trenton, South Carolina and Established Pursuant to Article VIII, Section 13 of the South Carolina Constitution, and South Carolina Code of Laws of 1976 §4-1-170, et Sequitur, as Amended; to Provide for a Written Agreement with Edgefield County Providing for the Expenses of the Park, the Percentage of Revenue Application, and the Distribution of Fees in Lieu of Ad Valorem Taxes to the Counties and Relevant Taxing Entities; to Provide that Jobs Tax Credits Allowed by Law be Provided for Businesses Locating in Said Park; and to Permit a User Fee in Lieu of Ad Valorem Taxation Within Said Park.

- a. No comments were made.
2. Proposed Ordinance to Provide for the Issuance and Sale of \$15,000,000 General Obligation Bonds of 2006 of Aiken County, South Carolina to Prescribe the Purposes for Which the Proceeds Shall be Expended, to Provide for the Payment Thereof, and Other Matters Relating Thereto.
 - a. Mr. Killian explained that the General Obligation Bonds would be used for the following projects:
 1. \$7 million for USC-Aiken's Convocation Center.
 2. \$2 million for an additional water line to Sage Mill Industrial Park.
 3. \$6 million to finish paving roads under the first Local Option Sales Tax Program.
 - b. A request was made for a schedule of the County's existing debt.
3. Proposed Ordinance to Provide for the Adoption of an Annual Operating Budget for the Mattie C. Hall Health Care Center for the Fiscal Year Beginning January 1, 2006 Through December 31, 2006, and to Provide for Related Matters Thereto.
 - a. In response to the question of whether Mattie C. Hall Health Care Center was County or City owned, Chairman Young stated that it was County property.
4. Proposed Ordinance Making Provisions for the Terms and Conditions of a Sewer System Revenue Borrowing of Aiken County, South Carolina, Authorized by Ordinance No. 90-6-32 of Aiken County Adopted June 19, 1990; Approving the Financing of Sewer System Improvements in Aiken County, South Carolina, Through the Borrowing of Not Exceeding \$2,143,476 Plus Capitalized Interest, if Any, From the State Water Pollution Control Revolving Fund, by Agreement With the South Carolina Water Quality Revolving Fund Authority Pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as Amended; Provided for the Agreement to Make and to Accept a Loan, the Execution and Delivery of a Loan Agreement Between Aiken County and the South Carolina Water Quality Revolving Fund Authority, the Execution and Delivery of a Promissory Note from Aiken County to the South Carolina Water Quality Revolving Fund Authority; and Other Matters Relating Thereto.
 - a. In clarification, Mr. Killian and Council explained that this Ordinance would provide sewer expansion along Highway 125 to accommodate the expansion of the Kimberly Clark plant.
 - b. Citizens requested that the titles of proposed legislation be more "citizen friendly".
5. Proposed Ordinance to Amend the Agreement for Development of Joint County Industrial Park by and Between Aiken County, South Carolina and Edgefield County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park so as to Include Additional Property in that Portion of the Joint County Industrial Park Geographically Located in Aiken County, South Carolina, and Other Matters Relating Thereto.
 - a. No comments were made.
6. Proposed Ordinance Authorizing the Execution and Delivery of a Master Lease Agreement, Equipment Schedule No. 01, an Escrow Agreement, and Related Instruments, and Determining Other Matters in Connection Therewith.

- a. Mr. Phil Napier and several citizens from Graniteville voiced their concern about funds allocated from the State Budget and Control Board being used by the Sheriff's Department to purchase vehicles. Ms. Tina Bevington presented Council with a petition to protest that use of the Graniteville Disaster Funds for Sheriff's vehicles.
- b. Council responded that the Legislative Delegation had presented the funds to Sheriff Michael Hunt and that it would be up to the Delegation to clear up any misunderstanding about the allocation of those funds.

(H) OLD BUSINESS

1. Proposed Ordinance to Amend Chapter 5.5 Cable Television of the Aiken County Code of Ordinances to Reflect Changes in Franchise Application, Transfer and Renewal Fees.
(County Council) (Third Reading)
 - a. Councilman Bunker moved for the adoption. Councilwoman McKenzie seconded.
 - b. Passed by unanimous vote.
2. Proposed Ordinance to Amend the FY 2006 County Operating Budget to Reduce the Fees Established in the FY 2006 County Budget Ordinance for the Probate Judge, to Allocate Funds Received by the Aiken County Sheriff from the State of South Carolina, and to Alter the Procedure for Distribution of Local Accommodations Tax Funding.
(Judicial and Public Safety Committee) (Third Reading)
 - a. Councilman Butler made a motion to Table the proposed Ordinance. Councilwoman McKenzie seconded.
 - b. The motion to Table passed by unanimous vote.
3. Proposed Ordinance Authorizing the Execution and Delivery of a Master Lease Agreement, Equipment Schedule No. 01, an Escrow Agreement, and Related Instruments, and Determining Other Matters in Connection Therewith.
(County Council) (Third Reading)
 - a. Councilman Hightower moved for the adoption. Councilman Smith seconded.
 - b. Councilman Singer made a motion to Table the proposed Ordinance. Councilman Bunker seconded.
 - c. The motion to Table failed by majority vote with Councilwoman Rawls, Councilwoman McKenzie, Councilman Smith, Councilman Butler, Councilman Barton and Chairman Young voting in opposition. Councilman Singer, Councilman Bunker and Councilman Hightower voted in favor.
 - d. Councilman Singer made an amendment motion that if the County could not identify an alternative funding source for the third year payment, that the number of vehicles purchased be cut by one third. Councilwoman McKenzie seconded.
 - e. Mr. Killian explained that as of the next day the County would, per the bid amount, be ordering the full number of vehicles.

- f. Councilman Singer withdrew his amendment motion. Councilwoman McKenzie withdrew her second.
 - g. Councilman Bunker made an amendment motion to identify a funding source with part of the funding coming out of the FY 06 Operating Budget's Equipment Replacement Fund and part from the third quarter collection of funds from the 2004 Local Option Sales Tax. Councilman Hightower seconded.
 - h. The amendment passed by unanimous vote.
 - i. The amended Ordinance passed by unanimous vote.
4. Consideration of a Motion to Remove from the Table a Proposed Ordinance Establishing and Approving a Plan for the Redevelopment of a Portion of Aiken County, South Carolina, Pursuant to a Redevelopment Plan; Designating a Redevelopment Project Area; Making Findings Regarding the Redevelopment Project Area; Designating Redevelopment Projects; Approving a Tax Increment Financing Plan for Such Redevelopment Projects; and Other Matters Relating Thereto.
(County Council) (For Second Reading)
- a. Councilman Smith made a motion to remove the proposed Ordinance from the Table. Councilman Butler seconded.
 - b. The motion to remove from the Table passed by unanimous vote with Councilman Singer, Councilman Butler, Councilman Barton, Councilman Bunker, Councilman Hightower and Chairman Young voting in favor. Councilwoman McKenzie abstained. Councilwoman Rawls and Councilman Smith did not vote.
 - c. Councilman Hightower made a motion to deny the request. Councilman Butler seconded.
 - d. Mr. Bell stated that Council should vote on the Ordinance the way it was presented for consideration.
 - e. Councilman Hightower withdrew his motion. Councilman Butler withdrew his second.
 - f. Councilman Butler made a motion for the approval of the proposed Ordinance in order to get it on the floor for consideration. Councilwoman McKenzie seconded.
 - g. The Ordinance was defeated by unanimous vote.
5. Proposed Ordinance to Approve a Proposed Amendment to the Aiken County Official Zoning and Development District Atlas to Rezone Tax Parcel 120-05-04-014 Located at 127 Hedge Road (C-993), Aiken, SC in Council District 8 from UD to IND.
(Hightower) (Second Reading)
(MOVED FROM CONSENT ITEM 13)
- a. Councilman Hightower moved for the adoption. Councilwoman Rawls seconded.
 - b. Councilwoman Rawls explained that the Board of Adjustments and Appeals heard a variance request for this parcel and that they had denied it based on the SC Code. Without the variance the rezoning would not be possible.
 - c. The proposed Ordinance failed by unanimous vote with Councilman Barton abstaining.

(I) CONSENT AGENDA/INTRODUCTION OF ORDINANCES FOR FIRST READING

I. REGULAR CONSENT AGENDA

1. Proposed Resolution to Appoint One Member to Designated Boards, Commissions and Committees with Terms of the Appointees to Run Concurrent with that of the Councilmember from Districts 1, 2, 3, 4, 6, and 7.
(Rawls, Singer, McKenzie, Smith, Barton, Bunker)
2. **DELETED**
3. Proposed Resolution to Approve the Allocation of Funds for Various Non-Profit Agencies from the FY 2006 Council Contingency Fund.
(County Council)
4. Proposed Resolution to Provide for Holiday Gift Certificates for County Employees.
(County Council)
(AS AMENDED)
5. Proposed Resolution to Authorize the Acceptance of ZEL Engineering, Inc. of Augusta, GA, as the Design Engineer for Horse Creek Road (C-238), 2.00 Miles of the C-Fund Program.
(Development Committee)
6. Proposed Resolution to Direct that Speed Limit Signs be Erected on Our Road (C-903) Located in Council District 1 and on Cedar Meadows Road (C-2516) Located in Council District 2.
(Development Committee)
7. Proposed Resolution to Authorize the County Administrator to Dispose of Surplus Property.
(Development Committee)
8. Proposed Resolution to Accept Funds from the Economic Development Partnership for the Upfit of Three Laboratories at the Center for Hydrogen Research in the Savannah River Research Campus.
(Development Committee)
9. Proposed Resolution to Authorize the Council Chairman to Enter into an Agreement with Harley's Auto Parts Inc., Aiken Auto Parts, Barton's Radiator & Electric, and Carolina Rim and Wheel for Auto Parts on Contract.
(Development Committee)
(AS AMENDED)
10. Proposed Resolution to Accept Funds from the Savannah River Regional Diversification Initiative for the Lease of a Portion of the Teledyne Building to a Local Industry.
(Development Committee)
11. Proposed Resolution to Authorize the Council Chairman to Execute a Letter of Intent for the Purchase of the Mattie C. Hall Health Care Center.
(Administrative Committee)
12. Proposed Resolution to Authorize the County Attorney to Institute Legal Action Against Aiken Siding Company for Violation of the Aiken County Code of Ordinances.

(Development Committee)

13. **MOVED TO OLD BUSINESS ITEM 5**

14. Proposed Ordinance to Develop a Joint County Industrial and Business Park in Conjunction with Edgefield County, Such Industrial and Business Park to be Geographically Located in Edgefield County and the Town of Trenton, South Carolina and Established Pursuant to Article VIII, Section 13 of the South Carolina Constitution, and South Carolina Code of Laws of 1976 §4-1-170, et Sequitur, as Amended; to Provide for a Written Agreement with Edgefield County Providing for the Expenses of the Park, the Percentage of Revenue Application, and the Distribution of Fees in Lieu of Ad Valorem Taxes to the Counties and Relevant Taxing Entities; to Provide that Jobs Tax Credits Allowed by Law be Provided for Businesses Locating in Said Park; and to Permit a User Fee in Lieu of Ad Valorem Taxation Within Said Park.

(County Council) (Second Reading)

15. Proposed Ordinance to Amend the Agreement for Development of Joint County Industrial Park by and Between Aiken County, South Carolina and Edgefield County, South Carolina, Providing for the Development of a Jointly Owned and Operated Industrial/Business Park so as to Include Additional Property in that Portion of the Joint County Industrial Park Geographically Located in Aiken County, South Carolina, and Other Matters Relating Thereto.

(County Council) (Second Reading)

16. Proposed Ordinance Authorizing the Execution and Delivery of a Fee in Lieu of Tax Agreement by and Between Aiken County, South Carolina and Glaxosmithkline, PLC with Respect to Certain Economic Development Property, Whereby Such Property will be Subject to Certain Payments in Lieu of Taxes; and Other Matters Relating Thereto.

(County Council) (Second Reading)

17. Proposed Ordinance to Provide for the Issuance and Sale of \$15,000,000 General Obligation Bonds of 2006 of Aiken County, South Carolina to Prescribe the Purposes for Which the Proceeds Shall be Expended, to Provide for the Payment Thereof, and Other Matters Relating Thereto.

(County Council) (Second Reading)

18. Proposed Ordinance to Provide for the Adoption of an Annual Operating Budget for the Mattie C. Hall Health Care Center for the Fiscal Year Beginning January 1, 2006 Through December 31, 2006, and to Provide for Related Matters Thereto.

(Administrative Committee) (Second Reading)

(AS AMENDED)

19. Proposed Ordinance Making Provisions for the Terms and Conditions of a Sewer System Revenue Borrowing of Aiken County, South Carolina, Authorized by Ordinance No. 90-6-32 of Aiken County Adopted June 19, 1990; Approving the Financing of Sewer System Improvements in Aiken County, South Carolina, Through the Borrowing of Not Exceeding \$2,143,476 Plus Capitalized Interest, if Any, From the State Water Pollution Control Revolving Fund, by Agreement With the South Carolina Water Quality Revolving Fund Authority Pursuant to Title 48, Chapter 5, Code of Laws of South Carolina, 1976, as Amended; Provided for the Agreement to Make and to Accept a Loan, the Execution and Delivery of a Loan Agreement Between Aiken County and the South Carolina Water Quality Revolving Fund Authority, the Execution and Delivery of a Promissory Note from Aiken County to the South Carolina Water Quality Revolving Fund Authority; and Other Matters Relating Thereto.

(County Council) (Second Reading)

- 19a Proposed Resolution To Reclassify One Position in the Registration and Elections Commission Office.
(ADDITION)
- 19b Proposed Voice Motion To appoint an Infrastructure Committee of Council consisting of Chairman Ronnie Young, Councilwoman LaWana McKenzie, Councilman Chuck Smith and Councilman Charles Barton. Councilwoman McKenzie will Chair the Committee.
(ADDITION)

II. CONSENT AGENDA/INTRODUCTION OF ORDINANCES FOR FIRST READING

20. Proposed Ordinance to Amend the Aiken County Code of Ordinances to Permanently Change the Meeting Date for December.
(Administrative Committee)
21. Proposed Ordinance to Create One Position in the Aiken County Solicitor's Office and Two Positions for the Center for Hydrogen Research at the Savannah River Research Campus.
(County Council)
22. **DELETED**
23. **DELETED**
24. **DELETED**
25. **DELETED**
26. **DELETED**
27. **DELETED**
28. **DELETED**
29. **DELETED**
30. **DELETED**
31. Proposed Ordinance to Prohibit Through Truck Traffic on Powderhouse Road (S-440) Between Whiskey Road (S-19) and East Pine Log Road (S-302).
(ADDITION)
- a. Councilman Butler made a motion to approve the Consent Agenda and stated that he would be voting in opposition to Consent Item 9. Councilman Hightower seconded.
- b. Councilwoman McKenzie asked that her vote on Consent Item 9 be recorded as in opposition.
- c. Councilman Barton stated that he would be abstaining on Consent Item 9.
- d. The Consent Agenda passed by unanimous vote with the exception of Consent Item 9 which was approved by majority vote with Councilwoman McKenzie and Councilman Butler voting in opposition and Councilman Barton abstaining.

(J) ITEMS FOR INFORMATION AND THE PUBLIC RECORD

1. Fiscal Year 2005 Aiken County Contingency Report as of October 19, 2005.

(K) INFORMAL MEETING OF WHOLE

- a. A local realtor made some comments about TIF's and suggested that a fee be put on the sale of the lots to generate revenues.
- b. Mr. Clayton Dyson, representing Bradley Terrace Subdivision, discussed the need for resurfacing the roads in the subdivision. Mr. Dyson also stated that sand was washing into a storm sewer drain, causing a cul-de-sac to flood.

Council and staff explained that the resurfacing of the roads in Bradley Terrace Subdivision was on the 2004 Local Option Sales Tax list. In the mean time, staff was requested to provide assistance where possible.

- c. Ms. Janet West, a resident of Pride Avenue, discussed the drainage problem caused by the detention pond near Sudlow Lake Road and Mustang Drive. Ms. West added that there was no cul-de-sac to accommodate the school bus.

Mr. Killian will have staff investigate the drainage problem. Councilwoman McKenzie pointed out that Pride Avenue was one of the roads on the paving list of the 2004 Local Option Sales Tax and that she would appreciate Ms. West's assistance when it came time to secure the right of ways on that road. Ms. West stated that she would assist in any way she could.

- d. Mr. Willie Green expressed his concerns about a proposed drop-off site being located at the intersection of Duncan Road and Williamson Drive. Mr. Killian will look into the matter.
- e. Councilman Smith made a motion to adjourn the meeting. Councilman Butler seconded.
- f. The motion to adjourn passed by unanimous vote.

(L) EXECUTIVE SESSION

1. Legal Matters:
 - a. Status Report on Pending Litigation, Legal Claims and Legal Advice.
(County Attorney) (Verbal)
2. Contractual Matters:
3. Personnel Matters:

(M) ADJOURNMENT – 9:58 P. M.

Respectfully submitted,

SIGNED:

Tamara Sullivan, Council Clerk

Ronnie Young, Chairman